

EXHIBIT B

CASE NO. 15-JSC31-00312

WESTON FARRIS
Plaintiff pro se

VS.

Roger Goss, individually
Defendant

Door Service, LLC
Defendant

§
§
§
§
§
§
§
§
§
§

IN THE JUSTICE COURT OF

FORT BEND COUNTY, TEXAS

PRECINCT 3

PLAINTIFF'S ORIGINAL COMPLAINT

PARTIES

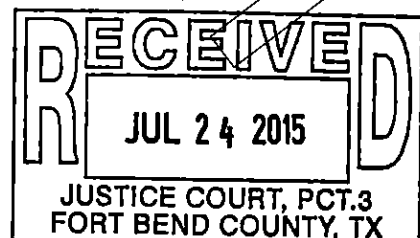
1. At all times material, Plaintiff Weston Farris (hereinafter "Plaintiff") was and is an individual residing Fort Bend County, Texas, at 4843 Claridge Park Ln., Katy, TX 77494.

2. At all times material, Defendant Roger Goss (hereinafter "Goss") was and is an individual believed to reside at 1524 S. Mobile St. Aurora, CO 80017-5170.

3. At all times material, Defendant Door Service LLC was a Colorado limited liability company operating from 1524 S. Mobile St., Aurora, CO 80017-5170. Door Service LLC's registered agent is listed as Roger E Goss, 1524 S. Mobile St., Aurora, CO 80017-5170.

JURISDICTION AND VENUE

4. This is an action for claims under the Telephone Consumer Protection Act (TCPA), TCPA regulations, and the Texas Business and Commerce Code. As such this Court has jurisdiction to hear the claims under Texas Law (Tex Bus. & Com. Code §305.053(a)), as well as Federal Law (47 U.S.C. §227(b)(3)).



5. Venue is proper in this County under Tex. R. Civ. Proc. 502.4(b)(2) and 502.4(c) as the occurrence which gave rise to this claim occurred in Fort Bend County, the Defendants are believed to be non-residents of Texas, and the Defendants conduct business in Fort Bend County.

BACKGROUND

6. The Telephone Consumer Protection Act ("the TCPA") consists of 47 U.S.C. §227 as amended and the FCC's implementing rules (see generally 47 C.F.R. §64.1200). The TCPA places conduct, record keeping, and disclosure requirements on persons or entities engaged in telephone solicitations and facsimile transmissions, and it provides private right of action by a consumer in State court in response to violations of the TCPA regulations.

ACTS OF THOSE MAKING CALLS ON BEHALF OF DEFENDANT

7. Whenever it is alleged in this complaint that Defendants did any act, it is meant that the Defendants performed, caused to be performed, and/or participated in the act and/or that Defendants' officers, employees, contractors, assigns, successors, predecessors, affiliates, or other agent performed or participated in the act on behalf of, acted with apparent authority or actual authority, for the benefit of, and/or under the authority of the Defendants.

FACTUAL ALLEGATIONS

8. On July 23rd, 2015 the Plaintiff received an automated and prerecorded call (commonly known as a "robocall") on behalf of the Defendants.

9. The robocall used a prerecorded voice, was made to the Plaintiff's cell phone, was not for emergency purposes, and was made without Plaintiff's prior express written consent. The phone number that initiated the robocall was 307-601-6406.

10. The robocall was an advertisement for a pyramid promotional scheme (as defined by Tex. Bus & Com. Code §17.461(6)) and stated that Plaintiff could expect to receive \$10,000 or more every 10 to 14 days after joining the program.

11. Due to the fact that the person or entity responsible for the call did not identify themselves(s) as required¹, Plaintiff pressed “1” in an effort to identify the person(s) responsible for the call, and left a message as instructed.

12. Shortly after leaving a message, the Plaintiff received a call from Goss. Goss told the Plaintiff to visit the website “awesomemoneyplan.com” A true and correct copy of the “whois” registration for the website is attached to this petition and is labeled “Exhibit 1”, and shows that the website is owned by Door Service LLC. This “whois” information was requested on July 23rd, 2015.

13. To sign up for the program, the Plaintiff would be required to make a payment anywhere between \$500 and \$20,000 to Goss. Goss stated that he made his initiation payment by purchasing a cashier’s check from his bank using a credit card and suggested that the Plaintiff do the same.

14. The entire premise of the program hinges upon signing up more people and convincing them to send hundreds or thousands of dollars. Goss made it clear that the most efficient way to recruit new members was to utilize robocalls.

ROGER GOSS’ PERSONAL LIABILITY

15. Upon information and belief, Defendant Roger Goss is the owner of Door Service LLC.

16. “... An officer may be personally liable under the TCPA if he had direct, personal participation in or personally authorized the conduct found to have violated the statute, and was

¹ See 47 C.F.R. §64.1200(b)(1)

not merely tangentially involved. Individuals who directly (and here, knowingly and willfully) violate the TCPA should not escape liability solely because they are corporate officers. As the State persuasively argues, to hold otherwise would allow the individual defendants to simply dissolve Blastfax, set-up a new shell corporation, and repeat their conduct. Congress surely did not intend to permit such a result in passing the TCPA.” *State of Texas V. American Blast Fax, Inc.*, 164 F. Supp. 2d 892, 898 (W.D. Tex. 2001)

WILLFUL OR KNOWING CONDUCT

17. Defendants Roger Goss and Door Service LLC knew, or should have known that their conduct was violating the law. The Federal Communications Commission has interpreted "willful or knowing" under the Telecommunications Act (of which the TCPA is a part), as not requiring bad faith, but only that the person have reason to know, or should have known, that his conduct would violate the statute. *Manufacturers Auto Leasing Inc. v. Autoflex Leasing Inc.* 139 S.W.3d 342 (Tex. App. 2004 pet. denied) citing *State of Texas V. American Blast Fax, Inc.*, 164 F. Supp.2d 892,899 (W.D. Tex. 2001).

18. During a July 23rd phone conversation, Goss mentioned that people that he called had informed him before that his conduct was illegal.

19. The foregoing actions by the Defendants constitute multiple TCPA violations as well as multiple Texas Business and Commerce Code violations.

CAUSE OF ACTION

Count I

Willful Violation of the TCPA (47 U.S.C. §227)

20. Plaintiff incorporates, as if fully rewritten herein, all foregoing paragraphs.

21. Defendants' call to Plaintiff's cell phone, using an automated dialing system and/or prerecorded voice constitutes a violation of 47 U.S.C. §227(b)(1) and, therefore, Plaintiff is entitled to an award of statutory damages in the minimum amount of \$500 per call pursuant to 47 U.S.C. §227(b)(3) and Tex. Bus. & Com. Code §305.053.

22. Defendants' conduct, in placing a call to the Plaintiff's cell phone using an automated dialing system and/or prerecorded voice constitutes a knowing and/or willing violation of the TCPA, and therefore, Plaintiff is entitled to an award of statutory treble damages of \$1500 for each call in violation of the TCPA, pursuant to 47 U.S.C. §227(b)(3) and Tex. Bus. & Com. Code §305.053.

PLAINTIFF'S CONSENT TO ELECTRONIC SERVICE

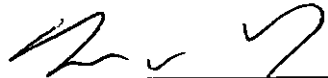
23. The Plaintiff, Weston Farris consents to electronic service at the email address wes.farris@thegazelle.net .

CONCLUSION AND PRAYER

24. WHEREFORE, Plaintiff hereby prays for the following relief on the foregoing claims against Defendants:

- A. Statutory damages of \$1500 for each call
- B. Pre-judgment interest from the date of the phone call
- C. Attorney's fees for bringing this action
- D. Costs of bringing this action; and
- E. All other relief that the Court may deem just and proper

Respectfully submitted,

By:  _____

Weston Farris
Plaintiff, pro se
4843 Claridge Park Ln.
Katy, Texas 77494
(281) 816-6767
July 23rd, 2015

7/23/2015

Whois Lookup | Domain Availability - Registration Information - GoDaddy

Exhibit 1

Sign in

Help



All Products

Domains

Websites

Hosting & SSL

Online Marketing

Email & Tools

Hot Deals

GoDaddy Pro

WHOIS search results for:

AWESOMEMONEYPLAN.COM

(Registered)

Domain Name: AWESOMEMONEYPLAN.COM
 Registry Domain ID: 1859536499_DOMAIN_COM-VRSN
 Registrar WHOIS Server: whois.godaddy.com
 Registrar URL: http://www.godaddy.com
 Update Date: 2015-05-21T09:59:52Z
 Creation Date: 2014-05-20T22:21:59Z
 Registrar Registration Expiration Date: 2016-05-20T22:21:59Z
 Registrar: GoDaddy.com, LLC
 Registrar IANA ID: 146
 Registrar Abuse Contact Email: abuse@godaddy.com
 Registrar Abuse Contact Phone: +14806242505
 Domain Status: clientTransferProhibited http://www.icann.org/epp#clientTransferProhibited
 Domain Status: clientUpdateProhibited http://www.icann.org/epp#clientUpdateProhibited
 Domain Status: clientRenewProhibited http://www.icann.org/epp#clientRenewProhibited
 Domain Status: clientDeleteProhibited http://www.icann.org/epp#clientDeleteProhibited
 Registry Registrant ID:
 Registrant Name: Roger Goss
 Registrant Organization: Door Service LLC
 Registrant Street: 1524 S Mobile St
 Registrant City: Aurora
 Registrant State/Province: Colorado
 Registrant Postal Code: 80017
 Registrant Country: United States
 Registrant Phone: +13036016406
 Registrant Phone Ext:
 Registrant Fax:
 Registrant Fax Ext:
 Registrant Email: rgoss45@gmail.com
 Registry Admin ID:
 Admin Name: Roger Goss
 Admin Organization: Door Service LLC
 Admin Street: 1524 S Mobile St
 Admin City: Aurora
 Admin State/Province: Colorado
 Admin Postal Code: 80017
 Admin Country: United States
 Admin Phone: +13036016406
 Admin Phone Ext:
 Admin Fax:
 Admin Fax Ext:
 Admin Email: rgoss45@gmail.com
 Registry Tech ID:
 Tech Name: Roger Goss
 Tech Organization: Door Service LLC
 Tech Street: 1524 S Mobile St
 Tech City: Aurora
 Tech State/Province: Colorado
 Tech Postal Code: 80017
 Tech Country: United States
 Tech Phone: +13036016406
 Tech Phone Ext:
 Tech Fax:
 Tech Fax Ext:
 Tech Email: rgoss45@gmail.com
 Name Server: NS11.DOMAINCONTROL.COM
 Name Server: NS12.DOMAINCONTROL.COM
 DNSSEC: unsigned
 URL of the ICANN WHOIS Data Problem Reporting System: http://wdprs.internic.net/
 >>> Last update of WHOIS database: 2015-07-23T21:00:00Z <<<

Is this your domain?

GO

Add hosting, email and more.

Want to buy this domain?

GO

Get it with our Domain Buy service.

Domain already taken?

Enter Domain Name

Search

NameMatch Recommendations

GoDaddy.com NameMatch has found similar domain names related to your search. Registering multiple domain names may help protect your online brand and enable you to capture more Web traffic, which you can then direct to your primary domain.

Domains available for new registration:

Alternate TLDs

Similar Premium Domains ?

<input type="checkbox"/> KoreanMoney.com	\$1,399.00*
<input type="checkbox"/> SwedishMoney.com	\$1,449.00*
<input type="checkbox"/> StageMoney.com	\$899.00*

ADD TO CART

Domains available at Go Daddy Auctions®:

<input type="checkbox"/> awesomesurf.com Ends on: 10/19/2015 9:03:00 AM PDT	\$688.00*
<input type="checkbox"/> awesomportal.com Ends on: 10/19/2015 12:00:00 AM PDT	\$10,000.00*
<input type="checkbox"/> mortgagesavedplan.com Ends on: 10/19/2015 12:00:00 AM PDT	\$25,000.00*
<input type="checkbox"/> gotawesomelids.com Ends on: 10/16/2015 12:00:00 AM PDT	\$900.00*
<input type="checkbox"/> awesomevalue.com Ends on: 10/15/2015 2:32:00 PM PDT	\$2,388.00*
<input type="checkbox"/> awesomelicks.com Ends on: 10/15/2015 2:30:00 PM PDT	\$2,088.00*

VIEW LISTING

Learn more about

Private Registration ?

Business Registration ?

Deluxe Registration ?

Protected Registration ?

*Plus ICANN fee of \$0.18 per domain name year.

**CA domain names will be registered through Go Daddy Domains Canada, Inc., a CIRA certified registrar.

For more information on Whois status codes, please visit
<https://www.icann.org/resources/pages/epp-status-codes-2014-06-16-en>

The data contained in GoDaddy.com, LLC's WHOIS database, while believed by the company to be reliable, is provided "as is" with no guarantee or warranties regarding its accuracy. This information is provided for the sole purpose of assisting you

https://who.godaddy.com/whoisstd.aspx?domain=awesomemoneyplan.com&prog_id=GoDaddy&k=jPfoU0DeYSus5t88nUc%2fdhKJmk%20H5Ml%20wv1l8tDI... 1/3

Exhibit 1

Case No. 15-JSC31-00312

In the Justice Court, Precinct 4, Fort Bend County, Texas

Weston Farris

Plaintiff

VS

Door Repair LLC

Defendant

AFFIDAVIT OF MILITARY STATUS OF DEFENDANT(S)

Before me, the undersigned authority, on this day personally appeared:

Weston Farris

Who, under penalty of perjury (fine and/or up to one year in jail), state the following:

My name is Weston Farris

I am ☒ the plaintiff or ☐ Attorney of record or authorized agent of the plaintiff.
I am capable of making this affidavit. The facts stated in the affidavit are within
my personal knowledge and are true and correct.

(check one)

☒ Defendant **is not** in the military.

☐ Defendant **is** in the military service, I know this because _____

☐ I am unable to determine whether or not the Defendant is in military service.

[Signature]
Plaintiff Signature/Attorney or Agent for Plaintiff

SWORN TO and SUBSCRIBED before me on this

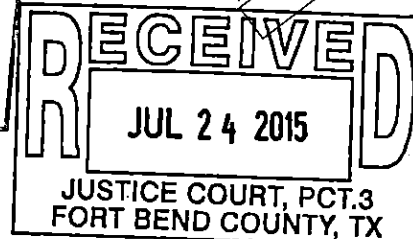
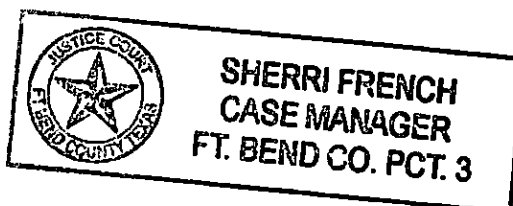
24th

day of

July

2015

[Signature]
Notary Public in and for the State of Texas
Or Clerk of the Justice Court



Case No. 15-JSC31-00312

In the Justice Court, Precinct 4, Fort Bend County, Texas

Weston Farris

Plaintiff

VS

Roger Goss (individually)

Defendant

AFFIDAVIT OF MILITARY STATUS OF DEFENDANT(S)

Before me, the undersigned authority, on this day personally appeared:

Weston Farris

Who, under penalty of perjury (fine and/or up to one year in jail), state the following:

My name is

Weston Farris

I am ☒ the plaintiff or ☐ Attorney of record or authorized agent of the plaintiff.
I am capable of making this affidavit. The facts stated in the affidavit are within
my personal knowledge and are true and correct.

(check one)

☐ Defendant **is not** in the military.

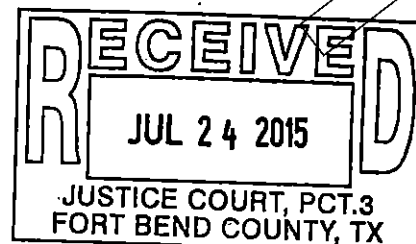
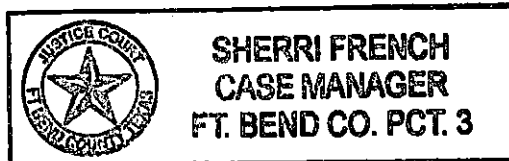
☐ Defendant **is** in the military service, I know this because _____

☒ I am unable to determine whether or not the Defendant is in military service.

[Signature]
Plaintiff Signature/Attorney or Agent for Plaintiff

SWORN TO and SUBSCRIBED before me on this 24th day of July, 2015

[Signature]
Notary Public in and for the State of Texas
Or Clerk of the Justice Court

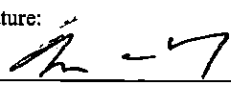


JUSTICE COURT CIVIL CASE INFORMATION SHEET (4/13)

CAUSE NUMBER (FOR CLERK USE ONLY): 15 JS C31-00312STYLED Weston Farris v. Roger Goss, Door Service LLC

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition is filed to initiate a new suit. The information should be the best available at the time of filing. This sheet, required by Rule of Civil Procedure 502, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

1. Contact information for person completing case information sheet:		2. Names of parties in case:	
Name:	Telephone:	Plaintiff(s):	
Weston Farris	281-816-6767	Weston Farris	
Address:	Fax:	Defendant(s):	
4843 Claridge Park Ln.		Roger Goss	
City/State/Zip:	State Bar No.:	Door Service LLC	
Katy, TX 77494			
Email:		[Attach additional page as necessary to list all parties]	
wes.farris@thegazelle.net			
Signature:			
			
3. Indicate case type, or identify the most important issue in the case (select only 1):			
<input type="checkbox"/> Debt Claim: A debt claim case is a lawsuit brought to recover a debt by an assignee of a claim, a debt collector or collection agency, a financial institution, or a person or entity primarily engaged in the business of lending money at interest. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.		<input type="checkbox"/> Eviction: An eviction case is a lawsuit brought to recover possession of real property, often by a landlord against a tenant. A claim for rent may be joined with an eviction case if the amount of rent due and unpaid is not more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	
<input type="checkbox"/> Repair and Remedy: A repair and remedy case is a lawsuit filed by a residential tenant under Chapter 92, Subchapter B of the Texas Property Code to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant. The relief sought can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.		<input checked="" type="checkbox"/> Small Claims: A small claims case is a lawsuit brought for the recovery of money damages, civil penalties, personal property, or other relief allowed by law. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	

